

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VALERIE JONES, }
Petitioner, } Civil Action No. 09-234 Erie
v. }
COMMONWEALTH OF }
PENNSYLVANIA, }
Respondent. }

MEMORANDUM ORDER

Petitioner's motion for leave to proceed *in forma pauperis* [1] and "letter of intent to file habeas corpus" [1-1] were received by the Clerk of Court on September 9, 2009 and were referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. After Petitioner's *in forma pauperis* request was denied by this Court [3], Magistrate Judge Baxter entered an order [5] on December 9, 2009, directing the Petitioner, on or before December 29, 2009, to pay the \$5.00 filing fee or show cause for her failure to do so. Petitioner was expressly advised that her failure to comply with the terms of the December 9, 2009 order would result in a recommendation that the case be dismissed for failure to prosecute. To date, Petitioner has neither paid the \$5.00 fee nor shown cause for her failure to do so.

Judge Baxter's Report and Recommendation, filed on February 24, 2010 [6], recommends that the instant petition for writ of habeas corpus be dismissed for failure to prosecute, inasmuch as Petitioner has failed to comply with the terms of the December 9, 2009 order and the filing fee remains unpaid. Petitioner was allowed ten (10) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at SCI Cambridge Springs, where she is incarcerated. Petitioner has filed no objections to the Report and Recommendation.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 6th day of April, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED for Petitioner's failure to prosecute.

The Report and Recommendation of Magistrate Judge Baxter, filed on February 24, 2010 [6], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: Valerie Jones
OB-7488
SCI Cambridge Springs
451 Fullerton Ave.
Cambridge Springs, PA 16403

U.S. Magistrate Judge Susan Paradise Baxter